

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

Eric Christian,

Plaintiff,

VS.

Eric Honea, et al.,

Defendants

Case No. 2:19-cv-00476-APG-VCF

ORDER

Motion/Application for Leave To Proceed In
Forma Pauperis (ECF No. 14); Motions For Writ
of Execution (ECF Nos. 15 and 16)

Judge Gordon previously denied pro se plaintiff Eric Christian's motion for seizure of property (ECF No. 11) as an inappropriate rogue filing. ECF No. 12. Judge Gordon noted that he, "previously dismissed this case and judgment was entered." *Id.*, citing to ECF Nos. 8 and 9. Judge Gordon also noted that, "[t]he plaintiff was instructed that he could file a new complaint in a new lawsuit if his convictions were later invalidated, or he could file a habeas petition if he preferred to attempt that route (without suggesting that a habeas petition would be proper)." *Id.* citing to ECF No. 8.

Plaintiff has now filed a motion/application for leave to proceed in forma pauperis and two motions for writ of execution in this case. ECF Nos. 14, 15, and 16. I deny all the motions for the same reasons: judgement in this case was entered against the plaintiff, this case is closed, and these filings are inappropriate rogue filings.

Accordingly,

I ORDER that plaintiff's motions for leave to proceed in forma pauperis and for writs of execution in this case (ECF Nos. 14, 15, and 16) are DENIED.

NOTICE

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk

1 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
2 may determine that an appeal has been waived due to the failure to file objections within the specified
3 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file
4 objections within the specified time and (2) failure to properly address and brief the objectionable issues
5 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the
6 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*
7 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, the plaintiff must immediately file
8 written notification with the court of any change of address. The notification must include proof of
9 service upon each opposing party's attorney, or upon the opposing party if the party is unrepresented by
10 counsel. Failure to comply with this rule may result in dismissal of the action.

11 IT IS SO ORDERED.

12 DATED this 10th day of April 2023.



13 CAM FERENBACH
14 UNITED STATES MAGISTRATE JUDGE
15
16
17
18
19
20
21
22
23
24
25